



AF/1642 (HJK3)
HJK
JPC
3/20/01

Docket No. 50130-E/JPW/CMR

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Daniel J. Capon, Jeannette M. Whitcomb and Neil T. Parkin

Serial No.: 09/126,559 Group Art Unit: 1642

Filed : July 30, 1998 Examiner: B. Brumback

For : COMPOSITIONS AND METHOD FOR DETERMINING ANTI-VIRAL DRUG SUSCEPTIBILITY AND RESISTANCE AND ANTI-VIRAL DRUG SCREENING.

1185 Avenue of the Americas
New York, New York 10036
March 12, 2001

RECEIVED

Assistant Commissioner for Patents
Washington, D.C. 20231

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SIR:

**NOTICE OF APPEAL FROM THE EXAMINER'S DECISION
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicants hereby appeal to the Board from the decision of the Examiner mailed September 12, 2000 finally rejecting pending claims 1, 4, 8, 37, 40 and 55-58 in connection with the above-identified application.

Applicants are concurrently filing a Petition for a three-month extension of time in which to respond to the September 12, 2000 Office Action. With a three-month extension of time, a response to the September 12, 2000 Office Action is due March 12, 2000. Therefore, the subject application is pending on March 12, 2000 and this Notice of Appeal is being timely filed.

The required fee for filing a Notice of Appeal under 37 C.F.R. §1.17(b) for a small entity is ONE HUNDRED AND FIFTY FIVE DOLLARS (\$155.00), and a check for this amount is enclosed. Applicants have previously established small entity status.

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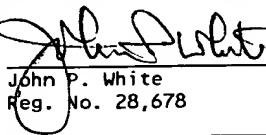
No fee, other than the enclosed \$155.00 fee for filing a Notice of Appeal, is deemed necessary. However, if any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



John P. White
Registration No. 28,678
Attorney for Applicants
Cooper & Durham LLP
1185 Avenue of the Americas
New York, New York 10036
(212) 278-0400

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John P. White
Reg. No. 28,678

Date